

Germany (Hesse)

ABOLITION OF DROIT D'AUBAINE AND TAXES ON EMIGRATION

Convention signed at Berlin March 26, 1844

Senate advice and consent to ratification June 12, 1844

Ratified by the President of the United States June 22, 1844

Ratified by Hesse October 8, 1844

Ratifications exchanged at Berlin October 16, 1844

Entered into force October 16, 1844

Proclaimed by the President of the United States May 8, 1845

Obsolete

9 Stat. 818; Treaty Series 170 ¹

CONVENTION FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF HESSE

The United States of America, on the one part, and His Royal Highness the Grand Duke of Hesse, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects have agreed to enter into negotiation for this purpose.

For the attainment of this desirable object, the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy extraordinary and minister plenipotentiary at the Court of His Majesty the King of Prussia, and His Royal Highness the Grand Duke of Hesse upon Baron Schaeffer Bernstein, His Chamberlain, Colonel, Aide-de-Camp, and minister resident near His Majesty the King of Prussia, who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

¹ For a detailed study of this convention, see 4 Miller 539.

ARTICLE 1

Every kind of droit d'aubaine, droit de retraite, and droit de détraction, or tax on emigration, is, hereby, and shall remain abolished, between the two Contracting Parties, their States, citizens, and subjects, respectively.

ARTICLE 2

Where, on the death of any person, holding real property within the territories of one Party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

ARTICLE 3

The citizens or subjects of each of the Contracting Parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other Contracting Party, shall succeed to their said personal property, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country, where the said property lies, shall be liable to pay in like cases.

ARTICLE 4

In case of the absence of the heirs, the same care shall be taken provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article 2, may take measures to receive or dispose of the inheritance.

ARTICLE 5

If any disputes should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws, and by the judges of the country where the property is situated.

ARTICLE 6

This Convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Royal Highness the Grand Duke of Hesse, and the ratifications shall be exchanged at Berlin within the term of six months from the date of the signature hereof, or sooner, if possible.

In faith of which the respective Plenipotentiaries have signed the above articles, both in French and English and have thereto affixed their seals declaring, nevertheless, that the signing in both languages shall not, hereafter, be cited as a precedent, nor in any way, operate to the prejudice of the Contracting Parties.

Done in quadruplicate in the city of Berlin, on the twenty sixth day of March in the year of our Lord one Thousand Eight Hundred and Forty Four, and the Sixty Eighth of the Independence of the United States of America.

HENRY WHEATON [SEAL]

B^{ON} DE SCHAEFFER BERNSTEIN [SEAL]